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September 5, 2020

Via ECF

Honorable Richard J. Sullivan
United States Circuit Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: USA v. Burgess et al., (Tyshawn Burgess)
18 Cr. 373(RJS)

Dear Judge Sullivan:

I am appointed counsel for Tyshawn Burgess, and Sam Coe is appointed co-counsel, pursuant to the Criminal Justice Act (CJA). Currently, Mr. Burgess is scheduled for a *Fatico* hearing on October 15, 2020. As the Court is aware, this is a complex matter with voluminous discovery relevant to the upcoming hearing. My understanding is that Mr. Burgess is only permitted to view discovery for one hour at a time at the Westchester County Jail, which makes his participation in his own defense difficult as the hearing approaches. We are requesting that the Court direct the Westchester County Department of Correction to allow Mr. Burgess to review the discovery in his case for at least two-hour blocks of time, to the extent practicable, between now and the date of the hearing.

Mr. Coe has contacted two of the assistant wardens of the jail regarding this issue, as directed by a jail supervisor, and has not yet received a response.

Respectfully submitted,
s/
Lorraine Gauli-Rufo
Samuel Coe
Attorneys for Tyshawn Burgess

cc: Elinor Lynn Tarlow, AUSA

Matthew Jo Chamberlin Hellman, AUSA

IT IS HEREBY ORDERED THAT Defendant's motion is denied without prejudice to renewal. Should Defendant seek to renew his motion, IT IS FURTHERED ORDERED THAT he provide the Court with specifics about when and to whom his requests were made at the Westchester County Jail, and what response, if any, he has received as of the date of his renewed motion.

SO ORDERED

Date:

9/6/20


RICHARD J. SULLIVAN
U.S.D.J.